

AMENDED IN ASSEMBLY APRIL 2, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 985**

**Introduced by Assembly Member Vargas**

February 20, 2003

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An act to add Section 23109.1 to the Vehicle Code, relating to Vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 985, as amended, Vargas. Vehicles: motor vehicle speed contest: punishment.

Existing law prohibits a person from engaging in a motor vehicle speed contest, ~~aiding or abetting in that contest, engaging in motor vehicle exhibition of speed on a highway or aiding or abetting in that conduct, and obstructing or placing a barricade or obstruction or assisting in the same, upon a highway incident to a motor vehicle speed contest or speed exhibition upon a highway.~~

This bill would make the above conduct a ~~felony punishable by imprisonment in the state prison for 15 years to life if that unlawful act proximately causes death to a person. The bill would make the above conduct a felony~~ *public offense* punishable by imprisonment in the state prison for *16 months or 2, 4, or 10 or 3 years or by imprisonment in the county jail for up to one year* if that unlawful act proximately causes *great* bodily injury, *as defined*, to a person, other than the defendant.

Because this bill would create a new ~~crime~~ *crime*, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 23109.1 is added to the Vehicle Code,  
 2 to read:  
 3 ~~23109.1. (a) If a person violates subdivision (a), (b), (c), or~~  
 4 ~~(d) of Section 23109, and that unlawful act proximately causes~~  
 5 ~~death to a person, the person violating subdivision (a), (b), (c), or~~  
 6 ~~(d) of Section 23109 is guilty of a felony punishable by~~  
 7 ~~imprisonment in the state prison for 15 years to life.~~  
 8 ~~(b)–~~  
 9 23109.1. (a) (1) If a person violates subdivision (a), ~~(b), (c),~~  
 10 ~~or (d)~~ of Section 23109 and that unlawful act proximately causes  
 11 great bodily injury to a person other than the defendant, the person  
 12 violating subdivision (a), ~~(b), (c), or (d)~~ of Section 23109 is guilty  
 13 of a ~~felony~~ public offense punishable by imprisonment in ~~the state~~  
 14 ~~prison for two, four, or 10 years~~ a county jail for up to one year or  
 15 in the state prison for 16 months, or two or three years.  
 16 (2) In addition to the punishment proscribed under paragraph  
 17 (1) and upon conviction, the person is subject to the applicable  
 18 suspension or restriction of the privilege to operate a motor  
 19 vehicle, probation, and motor vehicle impoundment sanctions  
 20 under Section 23109 for the violation of subdivision (a) of Section  
 21 23109.  
 22 (b) As used in paragraph (1) of subdivision (a), “great bodily  
 23 injury” has the same meaning as that term is defined in Section  
 24 12022.7 of the Penal Code.  
 25 SEC. 2. No reimbursement is required by this act pursuant to  
 26 Section 6 of Article XIII B of the California Constitution because  
 27 the only costs that may be incurred by a local agency or school  
 28 district will be incurred because this act creates a new crime or  
 29 infraction, eliminates a crime or infraction, or changes the penalty  
 30 for a crime or infraction, within the meaning of Section 17556 of  
 31 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California  
2 Constitution.

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